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Patent
Attorney's Docket No. COS01007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of) Mail Stop AF
)
Shawn WIEDERIN) Group Art Unit: 3621
)
Application No.: 09/950,025) Examiner: M. Cheung
)
Filed: September 12, 2001)
)
For: SYSTEMS AND METHODS FOR)
MONETARY TRANSACTIONS)
BETWEEN WIRED AND WIRELESS)
DEVICES)

U.S. Patent and Trademark Office
Customer Window, Mail Stop AF
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

PRE-APPEAL BRIEF REQUEST FOR REVIEW

The applicant respectfully requests review of the Final Office Action dated August 5, 2005 in view of the Remarks below and in conjunction with the Notice of Appeal filed concurrently with this request.

Remarks begin on page 2 of this paper.

REMARKS

Claims 2-6, 8, 9, 12-16, 18, 19, 22-26, 28, 29, 32-36, 38, 39, and 41-45 are pending in this application.

Claims 12-16, 18, 19, 22-26, 28, 29, 43 and 44 have been rejected under 35 U.S.C. § 102(e) as being anticipated by SHKEDY (U.S. Patent No. 6,260,024). Claims 2-6, 8, 9, 32-36, 38, 39, 41, 42, and 45 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over SHKEDY. Applicant respectfully requests review of the Final rejections based on the reasons summarized below.

The rejection of claims 12-16, 18, 19, 22-26, 28, 29, 43 and 44 contains factual deficiencies with respect to the alleged teachings of SHKEDY. For example, each of independent claims 43 and 44 include features that are clearly not disclosed by the SHKEDY.

More particularly, as to claim 43, SHKEDY does not disclose receiving payee information from a wireless device associated with a user, as required by claim 43 (See, for example, the arguments at pages 3-5 of the Request for Reconsideration filed October 3, 2005).

The sections of SHKEDY relied upon by the Examiner as allegedly disclosing the above-recited feature (i.e., col. 5, lines 2-35; col. 6, lines 40-47, 53-63; col. 8, lines 57-65; and col. 11, lines 21-24) fail to disclose receiving payee information from the wireless device associated with the user, as required by claim 43. Rather, the cited sections of SHKEDY disclose the types of information submitted by buyers in creating forward purchase orders (FPO's) for bidding by *potential* sellers. Furthermore, the relied upon sections of SHKEDY also disclose the manner in which the information is received.

Contrary to the Examiner's interpretation, the cited sections of SHKEDY clearly do not disclose receiving payee (or seller) information from the buyer. Rather, SHKEDY specifically indicates that the buyer is submitting an FPO for inclusion in a bidding pool which may then be bid upon by multiple potential sellers. The receipt of specific seller or payee information from the buyer would eliminate the very benefits that the system of SHKEDY offers, i.e., the ability for buyers to create and submit purchase orders to an intermediary for presentation to multiple potential sellers.

Claims 12-16, 18, and 19 depend from claim 43 and are believed to be allowable for at least the reasons the reasons set forth above, with respect to claim 43.

Independent claim 44 recites features similar to those discussed above with respect to claim 43 that are not disclosed or suggested by SHKEDY (See, for example, the arguments at pages 3-5 of the Request for Reconsideration filed October 3, 2005).

Claims 22-26, 28, and 29 depend from claim 44 and are believed to be allowable for at least the reasons the reasons set forth above, with respect to claim 44.

The rejection of claims 2-6, 8, 9, 32-36, 38, 39, 41, 42, and 45 contains factual deficiencies with respect to the alleged teachings of SHKEDY. For example, each of independent claims 42 and 45 include features that are clearly not disclosed by the SHKEDY.

More particularly, as to claim 42, SHKEDY does not disclose or suggest a payment processing system configured to receive payee information from a wireless device associated with a user, as recited in claim 42 (See, for example, the arguments at pages 6-7 of the Request for Reconsideration filed October 3, 2005).

Claims 2-6, 8, and 9 depend from claim 42 and are believed to be allowable for at least the reasons the reasons set forth above, with respect to claim 42.

Independent claim 45 recites features similar to those discussed above with respect to claim 42 that are not disclosed or suggested by SHKEDY (See, for example, the arguments at page 8 of the Request for Reconsideration filed October 3, 2005).

CONCLUSION

In view of the foregoing remarks, the applicant submits that clear factual deficiencies exist with respect to the rejection of claims 2-6, 8, 9, 12-16, 18, 19, 22-26, 28, 29, 32-36, 38, 39, and 41-45. Therefore, applicant respectfully requests withdrawal of the outstanding rejections and the timely allowance of this application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 13-2491 and please credit any excess fees to such deposit account.

Respectfully submitted,

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